

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, SEPTEMBER 21, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, September 21, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Brian Soukup	Present
City Manager	Jane K. Shang	Present
City Attorney	Becky Vose	Present
Deputy City Clerk	Janet Day	Present

Also present: Deputy City Manager Dale Baker; Planning and Development Services Director Chris Bowley; Public Works/Deltona Water Director Gerald Chancellor; Finance Director Bob Clinger and VCSO Captain Eagan.

3. PLEDGE TO THE FLAG:

Commissioner Herzberg led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by Brooke Adams a University High School 9th Grader.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Special City Commission and Regular City Commission Meeting of September 9, 2015.

Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg to approve the minutes of the Special Commission Meeting and Regular City Commission Meeting of September 21, 2015, as presented.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation by Commissioner Soukup – Ms. Farrah Johnson, Florida’s Teacher Mentor.

Commissioner Soukup recognized Ms. Farrah Johnson, a teacher at Deltona High School for being named Florida’s Teacher Mentor by the National Association of Agricultural Educators. Ms. Johnson gave a brief explanation of the Florida Teacher Mentor Program and the Mayor and Commission presented her with a Certificate of Recognition.

B. Presentation – West Volusia Youth Baseball 10U World Series Champions.

Commissioner Soukup recognized the West Volusia Youth Baseball 10U World Series Champions and the Mayor and Commission presented the coaches and the team members with Certificates of Recognition.

C. Presentation – West Volusia Youth Baseball 14U All Star State Champions.

Commissioner Soukup recognized the West Volusia Youth Baseball 14U All Star State Champions and the Mayor and Commission presented the coaches and the team members with Certificates of Recognition.

6. CITY COMMISSION SPECIAL REPORTS: None.

7. PUBLIC FORUM: – Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

1) Jerry Yaris, 1320 Catalina Blvd., Deltona, spoke about Commissioner Smith’s dedication when she was on the School Board being unmeasurable, the accident that occurred Friday afternoon and the traffic jam it caused on Catalina Blvd., the City not having a 24 hour emergency hotline, entities not having information posted on their websites, the speed on Howland and Catalina Blvds., not being able to get out of his driveway and the City needing a means of communication, especially in an emergency.

The Commission discussed the City Manager looking into the request to try and set something up, that it does not happen that often, there being a speeding issue in that area and that possibly the Volusia County Sheriff’s Office (VCSO) can do extra patrolling in that area and to have a discussion with the County regarding the reverse 911 system, using Facebook to alert residents specifically the “Community Watch” page of Facebook, the VCSO having a Public Information Officer (PIO) and it not being good to direct residents to an unofficial source for emergency type information, the Volusia County Communications Center being run by the VCSO and operates for every municipality and agency in the County and any information should come from the County PIO.

8. CONSENT AGENDA:

A. Request for approval of the Interlocal Agreement for Provisions of Municipal Services

to the City of Deltona – Gerald Chancellor, Public Works Department (386) 878-8998.

Commissioner Nabicht asked if this was something that should go out to bid, especially for the private sector to be able to bid on. Public Works Director Gerald Chancellor replied that the agreement was bid out a few years ago and there were only two (2) bids, one being Chinchor Electric and one from Volusia County who was the lowest bid. Chinchor had the contract before, there were a few minor issues and the County not only takes care of the signalization but, also the mosquito spraying and the dumping fees at the County landfill for tires that are generated at the depot from all the vehicles.

Commissioner Nabicht stated items like this should be put more toward the private sector instead of giving it to another government agency. Mr. Chancellor replied the problem is that there are only two (2) private companies that do signalization maintenance but, then the City would need to deal with the tire and mosquito issues which are always the responsibility of the County.

Ms. Shang stated it is the intent that after the expiration of this agreement it will go out to bid.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to approve the Interlocal Agreement for Provisions of Municipal Services to the City of Deltona and Volusia County.

Motion carried with members voting as follows:

Commissioner Herzberg	For
Commissioner Honaker	For
Commissioner Nabicht	Against
Commissioner Smith	For
Commissioner Soukup	For
Vice Mayor Schleicher	For
Mayor Masiarczyk	For

9. ORDINANCES AND PUBLIC HEARINGS:

City Manager Ms. Shang stated there was an advertising issue and the three (3) ordinances listed on the agenda will not be able to be heard until October 5, 2015.

Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to table Ordinance No. 14-2015, Ordinance No. 15-2015 and Ordinance No. 16-2015 until the October 5, 2015 Regular Commission Meeting.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

A. Public Hearing - Ordinance No. 14-2015, Amending the Deltona Welcome Center Business Planned Unit Development (BPUD), at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

Item tabled to the Regular Commission Meeting on October 5, 2015.

B. Public Hearing - Ordinance No. 15-2015, Rezoning ±9.28 acres located within the Deltona Activity Center from R-1AA to Mixed Use Planned Unit Development (MPUD), at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

Item tabled to the Regular Commission Meeting on October 5, 2015.

C. Public Hearing - Ordinance No. 16-2015, Amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

Item tabled to the Regular Commission Meeting on October 5, 2015.

10. OLD BUSINESS: None.

11. NEW BUSINESS: None.

12. CITY ATTORNEY COMMENTS:

Mrs. Vose stated several members of the Ordinance Review Committee (ORC) have inquired as to when topics would be assigned to them for review and staff is suggesting the committee start with the food vendor ordinance and the parking ordinance and the Commission concurred.

Commissioner Honaker reminded the Commission that there was a violation on hold because of the ordinance dealing with fences, walls and hedges and the Commission had discussed the ORC looking at that ordinance. Mrs. Vose replied that the Planning & Zoning Board has jurisdiction over that and are the recommending board on anything having to do with land development issues and it would need to go to them for review and recommendation.

The Commission and staff discussed the reason for establishing the ORC, that the ORC is to review and recommend to the Planning & Zoning Board, residents having a right to appear before the Planning & Zoning Board, that a resident standing up before the Planning & Zoning Board does not carry the same weight as a board established by the Commission, procedurally the City Attorney has stated what the procedure should be, that it is redundant for an ordinance to go before the ORC and then the Planning & Zoning Board, legally the ordinance has to go before the Planning & Zoning Board, the Commission needing clarification as to what the ORC is supposed to do and what the board members think it is supposed to do, wanting resident input and suggestions, it not being redundant for the ORC to review the ordinance and the City Attorney clarifying for the ORC what

1 can and cannot be done, the ordinances possibly looking different after it goes to the ORC and
2 before it goes to the Planning & Zoning Board for review, the ORC needing a
3 procedural/organizational meeting to explain why the board was set-up and to go over the
4 guidelines of the board, the ordinances needing review that are holding up violations needing to be
5 moved forward in a timely manner, and informing the violators who have violations on hold
6 because of the process and a possible expected timeframe of the ordinance review process.

7
8 Mrs. Shang stated that it is important that staff have an introductory meeting with the ORC because
9 it is not that staff provides an ordinance and asks the ORC what it thinks, there are certain
10 parameters that need to be discussed in regards to the board's role and what can be looked at
11 because some ordinances have legal ramifications or are part of the Land Development Code (LDC)
12 where some things cannot be changed. She stated if it is the will of the Commission, staff will run
13 the ordinance regarding fences, walls and hedges through the board but, she cautioned the
14 Commission that this ordinance relates to the LDC by statute and the Planning & Zoning Board has
15 the ultimate say. Staff suggested the food vendor and the parking ordinances because staff thought
16 those were more pertinent to obtain public input.

17
18 **The Commission concurred to include the ordinance related to fences, walls and hedges to be**
19 **reviewed by the ORC.**

20
21 Mayor Masiarczyk stated that the ORC would provide a written recommendation to be provided to
22 the Commission, the City Manager and the Planning & Zoning Board. Mrs. Vose replied that she
23 would be working with the ORC to prepare the ordinance in a final form that the ORC thought was
24 appropriate and it would be passed on to the Planning & Zoning Board or the Commission. Mayor
25 Masiarczyk asked for clarification that it would be a written recommendation from the ORC and not
26 re-writing the ordinance and Mrs. Vose replied "yes."

27
28 **13. CITY MANAGER COMMENTS:**

29
30 **Ms. Shang stated if it is acceptable to the Commission she would like to cancel the workshop**
31 **scheduled for Monday, September 28th because she will be out of town and there are no**
32 **pressing issues that could not wait until the following workshop and the Commission**
33 **concurred.**

34
35 **14. CITY COMMISSION COMMENTS:**

36
37 Mayor Masiarczyk announced that the City Commission is going to have a shade meeting
38 following the Regular Commission Meeting regarding contracts, the meeting is closed to the
39 public, the meeting will be officially opened in the 2nd Floor Conference Room and anyone not
40 authorized to be in the shade meeting will be asked to leave the room.

41
42 Mrs. Vose stated that after the close of the shade meeting there may be, if the City Commission
43 decides to take a vote on that issue, some substantive matter after the closing of the shade
44 meeting.

1 a) Commissioner Smith spoke about the Visioning Session on October 17th and her concern
2 regarding how the information is going to be made public to the community. Ms. Shang replied
3 that the information is on the City's website, a press release has been done, it will be sent out in
4 the water bill, it will be sent out via e-mail to the residents and organizations such as the Deltona
5 Business Alliance, the Senior Center and other areas of high traffic, the flyers will be dropped off
6 at different locations such as the library, it will be on DTV and staff will make a very concerted
7 effort to make sure there is a good attendance.

8
9 Commissioner Smith congratulated Maritza Avila-Vazquez, Mr. Moore and staff regarding the
10 Festival of Nations but, that the community was not in attendance and she spoke about the City
11 needing to do a better job of informing the community, using the schools, service organizations
12 and churches to promote events, the importance of the Visioning Session as it will be what the
13 Commission uses to work on the strategic plan, and she suggested that anyone who has Facebook
14 copy the Visioning Session flyer and share it.

15
16 Commissioner Smith asked for the status of the sign ordinance that went to the Deltona Business
17 Alliance and Mrs. Vose replied that she drafted the ordinance, it was forwarded to the
18 Commission for responses but, she has not received any and she will resend it to the
19 Commission.

20
21 b) Commissioner Nabicht spoke about attending the Festival of Nations which had great
22 food and entertainment but, not a good resident turnout, all the work and effort Ms. Avila-
23 Vazquez and her team put into the event, word of mouth being the best advertisement, there
24 being a foundation now for next year's Festival of Nations, that the men's soccer game between
25 Bethune-Cookman University (BCU) and Florida A&M University (FAMU) also had low
26 attendance and it being a shame that more residents do not attend these events, the City not doing
27 a good job of advertising, one (1) of the best forms of advertising is the banners along the main
28 streets like the City of DeLand, the City in the past utilizing the banners across the roads, there
29 being concrete poles installed in the City for the banners, the sign shop being able to print the
30 banners, Public Works having the equipment to install the banners, and that the Fire Department
31 having wooden posts that an event or public safety banner could be hung between, the City
32 utilizing the wooden posts and possibly installing them at other City facilities to display
33 advertising. He also spoke about utilizing electric signs like the one (1) Mr. Kent has at Justin
34 Plaza, that he supports the banners that are installed at schools to help offset the cost of supplies,
35 the sign ordinance being under review and regulations may need to be loosened up to allow for a
36 business to promote a special. He stated on October 4th there will be the Cycle For Life event to
37 help fight against cystic fibrosis, there is a \$30 registration fee, the event is in combination with
38 several organizations including Florida Hospital, attendees choose to ride either 32, 65 or 100
39 miles to raise money, the course starts in Lake Mary, more information can be found at
40 www.fightcf.org or www.orlando.cff.org/cycleforlife, the disease affects many people, it is a
41 very unforgiving disease, and he has a family member who has the disease so this is very close to
42 his heart. He stated although he will not be riding a bike at the event he will be at the Skate Park
43 on Courtland Blvd. which is one (1) of the rest stations.

1 c) Vice Mayor Schleicher congratulated Maritza Avila-Vazquez for starting the Festival of
2 Nations, that the first Spooktacular and Eggstravaganza the City put on had low attendance and
3 that it takes a couple of years for the events to grow in attendance, another attendance factor
4 being the weather, that she will be representing the City at the Spanish Heritage Gala on
5 Saturday and the first responders will be honored at the event, that she attended the Veterans
6 Memorial Park honoring the POW-MIA Veterans and she commended them for honoring the
7 POW-MIA and the Air Force Birthday, that she hopes each Commissioner will make it their
8 personal job to announce the Visioning Session everywhere they go and that she has already
9 announced it at meetings that she has attended and will place it on Facebook. She stated next
10 Wednesday at 7:30 a.m. will be the Wal-Mart Grocery ribbon cutting and at 4:30 p.m. the
11 Florida Hospital ribbon cutting.

12
13 d) Commissioner Honaker spoke about the excellent job that was done on the Festival of
14 Nations event, he agreed with Commissioner Nabicht regarding the banners across the roads but,
15 to also coordinate with the County to allow them across the major gateways, that the City
16 utilized the banners in the past but, is no longer able to because of the poles breaking and it
17 causing a safety issue, Wal-Mart allowing the City to set-up a table to distribute fliers, possibly
18 utilizing students who need volunteer hours to hand out fliers at businesses, that social media is
19 not the answer for advertising, there being 2,000 City residents on Facebook besides City
20 employees, the webpage being a good resource but, how many people actually open the fliers on
21 the site, the City Clerk having a software program that tells the number hits to the website or a
22 particular page of the website, providing the fliers to Lowes who will stuff them in the bags
23 when residents purchase items or put them at the service desk, and the City becoming a business
24 partner with Volusia County Schools who will then hand out the fliers to all the classes. He
25 encouraged everyone to attend the Latin Arts and Music Festival on October 4th from 11:00 a.m.
26 to 7:00 p.m. at Dewey O. Boster Park which brings approximately 20,000 people a year and the
27 organization doing good things for the community with the money they raise, on October 7th the
28 Deltona Sons and Daughters of Italy Lodge #2441 for Italian Heritage Month, on October 11th at
29 7:30 a.m. will be Florida Hospital's Pink Run on the nature trails at 20 Courtland Blvd. and that
30 he attended the Bethune-Cookman soccer game. He stated he would be discussing with the City
31 Manager putting the fire apparatus, the TNR release site, the sidewalk program, and the Capital
32 Improvement Plan (CIP) review on a workshop agenda. He asked if there was a date for the
33 social services summit and Mr. Bowley replied the date has not been set yet.

34
35 e) Commissioner Herzberg spoke about Mr. Denny reporting to the Commission that the
36 poles which held the banners were failing, banners being a huge way to advertise and possibly
37 adding more poles, using the City's four (4) electronic signs and possibly using the VCSO's also
38 and having an agreement with the County to place the banners across County roads.

39
40 f) Commissioner Soukup spoke about being a believer in if it is worth doing, it is worth
41 doing it right, looking forward to future Festival of Nations events, Dewey O. Boster not being
42 the right venue for events, there being not enough parking at any of the City facilities for events,
43 that Red Rocks Amphitheatre in Colorado being built in a hill and seats thousands of people, the
44 City has many events and he suggested getting a facility to be able to host the events so the City
45 can attend with ample parking and seating. He suggested partnering with Bethune-Cookman and

1 lean on them to do advertising in the City, soccer being the most played sport in the City,
2 advertising not being done through the City's own sports organizations. He stated his thoughts
3 and prayers go out to the family who lost their baby on Friday, it was tragic and hopefully they
4 have peace.

5
6 g) Mayor Masiarczyk spoke about agreeing with the banners because they work, it is
7 important to get the banners up and down in a timely manner, people losing interest in the
8 electronic signs advertising events, and the topic of banners has been discussed several times in
9 the past but, it is time to really start looking at that option. He stated the other thing to do is
10 surprise the people and he gave the example of Shawn Toman and Shawn Curtis with the Parks
11 & Recreation Department who built a cross that was displayed on Memorial Day and can be
12 displayed at any time at the Veterans Memorial Museum and that people passing by stopped to
13 see the cross. He suggested placing holes for wooden posts (4x4) to hold banners in retention
14 ponds or at City facilities but, the key is to take them down before they lose their effect. He
15 stated if there is no objection, he has available a half mannequin and a BCU t-shirt to put on it
16 that can be placed on the dais for advertising the soccer games, the banners or team schedule can
17 be displayed from different schools on the dais and highlight a team school every month.

18
19 Mayor Masiarczyk stated the Commission will now meet upstairs in the 2nd Floor Conference
20 Room for the shade meeting.

21
22 **14. ADJOURNMENT:**

23
24 There being no further business, the meeting adjourned at 7:47 p.m.

25
26
27 **ATTEST:**

John Masiarczyk Sr., Mayor

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29
30 _____
Joyce Raftery, CMC, City Clerk

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